

FRANK J. CURRAN CO.

8101 SOUTHELMONT ROAD • DOWNERS GROVE, ILLINOIS 60516

Phone: (312) 985-2400

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June 28, 1988

Mr. Edward Kowalski
Office of Regional Counsel
United States Environmental Protection Agency
Region 5
230 South Dearborn Street
Chicago, Illinois 60604

Dear Mr. Kowalski:

The writer, Mrs. Audrey M. Mach, attended a meeting held by the USEPA at the Congress Hotel on June 9, 1988, on behalf of the Frank J. Curran Company with reference to the Ninth Avenue Dump Site, Gary, Indiana.

We are furnishing below information regarding the disposal of two barrels of material from Geneva, Illinois, at this Site.

Geneva Industries, Inc., the manufacturer of steel case works was purchased by a group of investors on or about December 6, 1974, headed by a Mr. L. J. Cook and Mr. Edelbeck. Subsequent thereto, the new ownership of Geneva Industries, Inc. was declared bankrupt in the U.S. District Court, Case No. 76B-1717, Judge Robert Eisen presiding, who appointed a William J. Murphy as Receiver for the Federal Court.

The Receiver, with authority from the bankruptcy court, utilized the services of a competitor of Geneva Industries, St. Charles Manufacturing Company, St. Charles, Illinois, who assumed the operation of the bankrupt company to complete open orders for Geneva Industries customers.

After completing this assignment for the Federal Court, St. Charles Manufacturing Company moved out, leaving the Geneva plant and factory in an unclean, filthy, hazardous condition.

Subsequent thereto, Mr. Murphy, the Trustee in Bankruptcy, sold the assets of Geneva Industries to a well-known Chicago auctioneer, C. M. Kemper, on August 6, 1976, who immediately held a public auction under the authority of the Federal Bankruptcy Court as instructed by the Bankruptcy Judge, Judge Robert Eisen.

After the auction the building was left empty and dirty, with large quantities of trash and two barrels of an unknown substance.

These various materials and wastes and the two barrels were the responsibility of St. Charles Manufacturing Company and/or C. M. Kemper.

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The Mid-City National Bank and Trust Company carried a first mortgage on the Geneva building, such mortgage being guaranteed by Frank J. Curran, which made it necessary to clean the building up in order to carry the necessary fire insurance. The Mid-City Bank, carrying a first mortgage on the Geneva building of which Frank J. Curran was Guarantor, insisted that the premises of the Geneva building be cleaned up to meet the requirements of the insurance company.

Accordingly, such was accomplished by various others, as you will note from the enclosed list, of which Speedway Disposal Company at a cost of \$640.00 did all the cleanup and removal of trash, etc., and made the arrangements with U.S. Drum Disposal Corporation, who, under government permit, removed the two drums of the unknown material at a cost of \$492.00.

The costs of removing these various materials from the Geneva plant were paid by Frank J. Curran Company, et al, who were guarantors on the first mortgage carried by Mid-City National Bank and Trust Company simply as a convenient means of making payment for the work done, although the Frank J. Curran Company had no responsibility in the generation of the waste or arranging for its transport and disposal.

On the 10th day of November, 1976, the Bankruptcy Court under Judge Eisen issued an order stating that there was no equity in said real estate for the estate and the Trustee in Bankruptcy should be authorized to abandon same and the court being fully advised in the premises located at 201 South Eighth Street, Geneva, Illinois, allowed the entry of this order which constituted abandonment by said Trustee of said real estate.

In conclusion the Geneva Industries, Inc., was duly adjudged bankrupt and the bankruptcy applying thereto, No. 76B 1697-1717, was discharged.


In view of the above facts, it is our belief that the Frank J. Curran Company is not a potentially responsible Party in the matter of the Ninth Avenue Dump Site and should be removed from the list of potentially responsible parties.

We would appreciate your reviewing these facts in regard to the events that transpired and parties involved in the disposal of the two barrels of unknown substance from Geneva, Illinois to the Ninth Avenue Dump Site in Gary, Indiana.

Please advise if you need additional information to resolve the matter of the responsibility for these two barrels of material.

We shall look forward to hearing from you.

Yours truly,
FRANK J. CURRAN COMPANY


Audrey M. Mach

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EXPENSES PERTAINING TO PROPERTY AT 201 S. EIGHTH STREET, GENEVA, ILLINOIS

RE: BANKRUPTCY OF GENEVA INDUSTRIES, INC.

<u>DATE OF CHECK</u>	<u>PAYABLE TO</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
7/20/76	Ernest Jensen	Appraisal & Court Appearance 7/13/76	\$ 650.00
7/29/76	Howard Brandstein	Professional Services to 7/23/76	9,715.00
9/3/76	Illinois Bell Telephone Co.	232-2737	35.40
9/22/76	Lowell Burkitt	Maintenance	35.00
9/28/76	Illinois Bell Telephone Co.	232-2737	91.00
10/6/76	St. Charles Merchant Patrol	Patrol Service 9/76	1,375.00
10/6/76	St. Charles Merchant Patrol	Patrol Service 8/30 & 8/31	44.00
11/2/76	St. Charles Merchant Patrol	Patrol Service 10/76	1,375.00
11/15/76	Illinois Bell Telephone Co.	232-2737	6.44
11/15/76	The Daily Courier-News	Legal Notice	99.63
11/22/76	Chicago Title Insurance Co.	Title Update Charges	505.00
11/29/76	City of Geneva	Water & Electric 10/29 - 11/12	11.12
12/16/76	City of Geneva	Water & Electric 10/29 - 11/29	632.05
12/16/76	St. Charles Merchant Patrol	Patrol Service 11/1/76 - 11/7/76	317.00
12/29/76	Belding Engineering Company	Settlement-Mechanics Lein	1,750.00
12/29/76	City of Geneva	Electric 11/12/76 - 12/13/76	7.98
12/29/76	Elgin Lumber Company	Settlement-Mechanics Lein	2,159.65
12/30/76	Howard Brandstein	Professional Services Rendered 7/30/76 - 12/29/76	2,625.00
12/30/76	Howard Brandstein	Professional Services Rendered Foreclosure Action	11,238.98
1/18/77	City of Geneva	Electric & Water 11/29 - 12/22/76	735.28
1/26/77	Northern Illinois Gas	Special Bill - Meter Exchanged	72.54
1/27/77	City of Geneva	Water & Electric (1) 11/12/76 - 1/17/77	11.12
2/11/77	City of Geneva	Water & Electric (2) 12/22/76 - 1/22/77	962.55
2/9/77	City of Geneva	Private Fire Service Connection	107.50
2/18/77	Andersen & Associates, Inc.	Insurance Binder Charge to 1/15/77	809.23
2/25/77	Andersen & Associates, Inc.	Insurance 1/15/77 - 2/15/77	1,350.00
2/25/77	City of Geneva	Water & Electric (1) 1/17/77 - 2/11/77	7.88
3/9/77	Republic Printing Company	Legal Publication	69.30
3/21/77	R. B. Jones	Insurance 2/15/77 - 4/5/77	3,972.00
3/21/77	City of Geneva	Water & Electric (2) 1/24 - 2/8/77	558.02
12/23/76	Barrett Hardware Company	Supplies	229.27
10/14/76	Lowell Burkitt	Maintenance Service	21.00
12/23/76	Complete Electrical Service	Supplies	993.03
10/26/76	Ernst Gage Co.	Supplies	68.22
10/26/76	Glenn Bloemke	Pargas	5.56
	Melvin Lange	Custodial Service 10/2/76 - 1/15	1,792.00
11/5/76	Illinois Bell Telephone	232-8248	129.68
1/6/77	Illinois Bell Telephone	232-8248	32.41
10/12/76	Industrial Plants Corporation	Personal Property Required For Vacant Plant Maintenance At Auction	9,142.00

EXPENSES PERTAINING TO PROPERTY AT
 201 S. EIGHTH STREET, GENEVA, ILLINOIS
 RE: BANKRUPTCY OF GENEVA INDUSTRIES, INC. (Cont'd.)

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<u>DATE OF CHECK</u>	<u>PAYABLE TO</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
9/30/76	Melvin Lange	Custodial Service 9/30/76 - 10/22/76	\$ 752.87
12/10/76	Illinois Bell Telephone	232-8248	68.88
12/17/76	Illinois Division of Boiler & Pressure Vessel Safety	Inspection	14.00
10/26/76	E. Lite Chemical Coatings	Supplies	342.38
9/30/76	Charles Spence	Maintenance	680.00
12/23/76	Speedway Disposal Company	Clean-up Service	640.00
12/23/76	Suburban Oil Company	Supplies	2,093.84
1/6/77	Suburban Oil Company	Supplies	2,094.19
1/21/77	Suburban Oil Company	Supplies	2,193.12
	Glenn Bloemke	Custodial Service	1,442.30
2/9/77	Chicago Title Insurance	Title Charges	20.00
11/29/76	Tripp Oil Company	Supplies	1,962.06
10/30/76	U.S. Drum Disposal Corp.	Services	492.00
2/25/77	Union Chemical & Oil Co.	Supplies	244.50
1/14/77	Ace Store	Supplies	86.58
10/27/76	Mid Valley Lumber Co.	Plywood For Windows	15.69
	Kane County	1975 Real Estate Taxes, Plus Penalties Paid	73,252.21
	Mid City National Bank	Interest Due Mid City National Bank From 10/1/75 - 3/28/77	45,113.54